



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): ROBERT JUZWIAK  
APPLN. NO.: 10/802,399  
FILING DATE: March 17, 2004  
TITLE: VEHICLE SIDE STORAGE BOX  
DOCKET: TRM TR010036CON  
CUSTOMER NO.: 32047

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.53(b)**

Dear Sir:

As a Response to Notice to File Missing Parts of Non-Provisional Application, Applicant files this Petition under 37 CFR 1.53(b) to accept filing under the circumstances that inventor Robert Juzwiak has refused to sign.

Robert Juzwiak was a former employee of the assignee and had an obligation of assignment of all inventions developed in the course of his employment relating to the subject matter of his employment. The present application comprises subject matter for which Mr. Juzwiak had an obligation of assignment to the assignee.

The undersigned attempted to contact Mr. Juzwiak at his last known address, 9410 Corinne, Plymouth, Michigan 48170. On July 30, 2004, U.S. Postal Service Express Mail package (Tracking No. EV177746701US) containing a copy of the patent application, the Declaration and Power of Attorney and Assignment documents, and a postage-paid return envelope, was mailed to Robert Juzwiak at the above address. According to U.S. Postal Service records, the package was delivered on July 31, 2004 and was signed for by R. Juzwiak. The signed Declaration and Power of Attorney and Assignment documents were not returned as requested. A copy of the letter to Robert Juzwiak, the Express Mail receipt, and the Delivery Status Sheet for the U.S. Postal Service, are attached. An Internet search was performed and no other address could be located in the state of Michigan for Robert Juzwaik. The results of that Internet search are also attached.

The undersigned respectfully submits that factual proof has been presented that diligent effort has been made to contact Mr. Juzwaik at his last known address, as attested to by the undersigned's signature below.

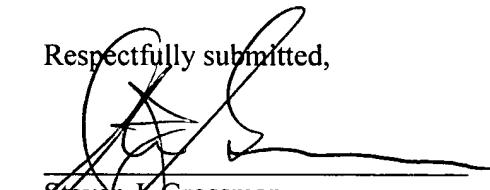
Applicant includes herein a redacted copy of a signed Textron Automotive Company Invention Disclosure form of Robert Juzwiak entitled "Side Storage Box", attorney docket TR01-0036US, which is the underlying disclosure document of Robert Juzwiak that was submitted in this matter. This document was submitted and signed by Robert Juzwiak on March 8, 2001 and witnessed by Steve Savalle and Rick Schlaler on March 8, 2001. This document confirms that Mr. Juzwiak understood an obligation to disclose and assign his inventions to Textron Automotive Company.

Pursuant to MPEP 409.03(g) applicant states that the underlying filing date of the present application is necessary to preserve the rights of the applicant to prevent irreparable damage.

Accordingly, it is respectfully submitted that the requirements of 37 CFR 1.53(b) have been fully satisfied and the present application be accepted for prosecution on the merits.

It is not believed that there are any fees associated with this petition; however, in the event there any fees are payable, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

  
Steven J. Grossman  
Attorney for Applicants  
Reg. No. 35,001  
Grossman, Tucker, Perreault & Pfleger, PLLC  
55 South Commercial Street  
Manchester, New Hampshire 03101

#### CERTIFICATE OF MAILING

Date of Deposit: November 17, 2004

I hereby certify that this paper and the papers listed thereon are being deposited with the United States Postal Service under 37 CFR 1.10 on the date indicated above, and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature of person mailing: Mary Boyd  
Name of person mailing: Mary Boyd



## Track & Confirm

### Shipment Details

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Your item was delivered at 3:15 pm on July 31, 2004 in PLYMOUTH, MI 48170. The item was signed for by R JUZWIAK.

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- NOTICE LEFT, July 31, 2004, 11:10 am, PLYMOUTH, MI 48170
- ARRIVAL AT UNIT, July 31, 2004, 10:15 am, PLYMOUTH, MI 48170
- ENROUTE, July 30, 2004, 6:32 pm, MANCHESTER, NH 03103
- ACCEPTANCE, July 30, 2004, 4:49 pm, MANCHESTER, NH 03101

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EV 177746701 US

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Date In <i>07/20/01</i>	Postage <i>\$ -</i>	
Mo. Day Year <i>Mo. Day Year</i>	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	
Time In <i>AM</i>	<input type="checkbox"/> Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight <i>.58 ozs.</i>	Int'l Alpha Country Code	COD Fee
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Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is valid if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

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Customer Signature

Federal Agency Acct. No. or  
Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE ( )

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SPELGER, PLLC  
55 S COMMERCIAL ST  
MANCHESTER NH 03101-2606

*Carol.*

TO: (PLEASE PRINT)

PHONE ( )

MR. Robert Juzwiak  
9410 Corinne Street  
Plymouth, Michigan 48170-  
4024

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Intellectual Property Matters

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**VIA EXPRESS MAIL**  
**Label No. EV 177746701 US**  
July 30, 2004

Mr. Robert Juzwiak  
9410 Corinne Street  
Plymouth, MI 48170-4024

Steven J. Grossman Ph.D. (NH)  
Teresa C. Tucker (NH)  
Donald J. Perreault (NH, MA)  
Edmund P. Pfleger (AZ)  
Scott R. Faber (PA)  
Kevin J. Carroll (NH, MA)  
Jeffrey T. Placker (MA)

RE: Robert Juzwiak  
US Patent Appln. Serial No. 10/802,399  
Filed: March 17, 2004  
Continuation of PCT/US02/29440  
For: Vehicle Side Storage Box  
Our Ref: TRM TR010036CON

Patent Agent:  
Richard D. Rhodes



Dear Mr. Juzwiak:

We are patent counsel for Collins & Aikman with respect to the above-referenced case. Enclosed please find a copy of the pending application, which you have been named as the inventor.

In accordance with your previous employment obligations, I respectfully request your signature on the enclosed Declaration/Power of Attorney.

Please sign and return the attached Declaration form as soon as possible. A postage paid return envelope is enclosed for your convenience. If you have any questions, please do not hesitate to contact this office.

Thanking you in advance for your cooperation with this matter.

Sincerely,

Steven J. Grossman Ph.D.

SJG: clm  
Enclosures

G:\Caron\GTPP\CL & A\TR01 Series\TR010036\TR010036CON\tr to non-signing inventor R Juzwiak 07.30.04.doc

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PLYMOUTH MI 48170-4024

**Mailing Industry Information [What Is This?](#)**

Carrier Route: C011  
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Received/Recorded by: T. Smith

Invention Disclosure #: TR01-0036US

Receipt Date Stamp:

**TEXTRON AUTOMOTIVE COMPANY**

- CONFIDENTIAL -

INVENTION DISCLOSURE

SIDE STORAGE BOX

INVENTION TITLE

ROBERT JUZWIAK

INVENTOR(S)

General guidelines relative to the completing and processing of this form:

1. All responses must be in permanent ink.
2. All names and dates must be spelled out completely to avoid possible misinterpretation.
3. For any item requiring more elaboration, attach a separate sheet which is signed, dated, and witnessed.
4. Drawings must be signed, dated, and witnessed (whether or not attached) for proof of invention.
5. Inventors should retain a photocopy of the submitted disclosure for their own records.
6. Return the completed disclosure in a confidentially marked envelope (inter-company or US mail) to the designated processing location below:  
Trim Operations: 74 Industrial Park Drive, Dover, NH. 03820; Attn.: Cheryl Wood (603) 743-2474  
McCord Winn: 645 Harvey Rd. Manchester, NH. 03103; Attn.: Dick Rhodes (603) 628-3728
7. Upon receipt of the disclosure by TAC, it will be assigned a case number for recording and future correspondence between the inventor(s) and TAC.
8. Once the disclosure has been reviewed by TAC, the inventor(s) will be notified as to the necessary action.
9. For additional assistance relative to completing this form contact Automotive Technology Center TEXTRON, 74 Industrial Park Drive, Dover, NH. 03820; (603) 743-2431.
10. The most recent approved revision of this form is available on the Troy P:\TAC\_NT\_2\FSHARE network at location p:\patents\invndis.doc (Note: The drive identifier may vary based on user location).

V. **Sketch of the Invention:** *(If more space is required attach a separate sheet, or if drawings where generated previous to this disclosure attach a copy. In either instance, the drawings should be signed, dated, and witnessed; and identified below.)*

VI. **Description of the Invention:** Describe: (a) what is presently being done, (b) how the invention will improve the present method, (c) what is believed to be inventive about the subject matter, (d) any variations of a broader scope than those preferred, and (e) any related prior art including patents, scientific articles, technical bulletins, etc. *(If more space is required attach a separate sheet, or if reports or other documents where generated previous to this disclosure attach a copy. In either instance, the attached items should be signed, dated, and witnessed; and identified below.)*

## VII. Inventor(s):

(Print FULL names and addresses)

Name: Robert Juzwiak  
 Address: 9410 Corinne  
Plymouth, Mi 48170  
 Signature: Robert Juzwiak  
 Date:

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Employee	<input checked="" type="checkbox"/> TAC or affiliate <input type="checkbox"/> Other:
Facility:	<u>Opburn</u>
Day Phone:	<u>(248)829-7468</u>
Citizen of:	<u>U.S.</u>
Employee	<input type="checkbox"/> TAC or affiliate <input type="checkbox"/> Other:
Facility:	_____
Day Phone:	_____
Citizen of:	_____
Employee	<input type="checkbox"/> TAC or affiliate <input type="checkbox"/> Other:
Facility:	_____
Day Phone:	_____
Citizen of:	_____
Employee	<input type="checkbox"/> TAC or affiliate <input type="checkbox"/> Other:
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Citizen of:	_____
Employee	<input type="checkbox"/> TAC or affiliate <input type="checkbox"/> Other:
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Citizen of:	_____

VIII. Witnesses: (Two witnesses are required. A witness should be a technically competent person who reads and understands what is being reported, but who is NOT the inventor, co-inventor, or any other person who has responsibility for technical advice in connection with the project.)

This invention was read and understood by me:

Name: STEVE SAVARIC  
 Address: 6030 WALDON RD  
CLARKSTON MI  
 Day Phone: 248 829 7020

Name: RICK SCHLAGER  
 Address: 3278 SCHOOLHOUSE DR  
WATERFORD MI 48328  
 Day Phone: 248 829 7020

Signature:	<u>Steve Savaric</u>
Date:	<u>3/8/01</u>
Facility:	<u>OPBURN</u>
Citizen of:	<u>U.S.</u>
Signature:	<u>Rick Schager</u>
Date:	<u>3-8-01</u>
Facility:	<u>OPBURN</u>
Citizen of:	<u>USA</u>